



Attorney Docket No. 16528X-025010US

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **POLYMORPHISMS IN HUMAN MITOCHONDRIAL DNA** the specification of which \_\_\_ is attached hereto or X was filed on May 14, 1997 as Application No. 08/856,376 and was amended on \_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

| Country | Application No. | Date of Filing | Priority Claimed<br>Under 35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
|         |                 |                | Yes _ No _                           |
|         |                 |                | Yes _ No _                           |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

| Application No. | Filing Date     |
|-----------------|-----------------|
| 60/017,203      | May 16, 1996    |
| 60/024,206      | August 20, 1996 |

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application No. | Date of Filing | Status                           |
|-----------------|----------------|----------------------------------|
|                 |                | _ Patented _ Pending _ Abandoned |
|                 |                | _ Patented _ Pending _ Abandoned |

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Vern A. Norviel, Reg. No. 32,483  
 Nancy DeSantis-Vannice, Reg. No. 37,608  
 Joe Liebeschuetz, Reg. No. 37,505  
 William M. Smith, Reg. No. 30,223  
 Renee A. Fitts, Reg. No. 35,136

|  |   |
|--|---|
| Send Correspondence to:<br><b>William M. Smith</b><br><b>TOWNSEND and TOWNSEND and CREW LLP</b><br><b>Two Embarcadero Center, 8th Floor</b><br><b>San Francisco, CA 94111-3834</b> | Direct Telephone Calls to:<br>(Name, Reg. No., Telephone No.)<br><br><b>Name: Joe Liebeschuetz</b><br><b>Reg. No.: 37,505</b><br><b>Telephone: 415-326-2400</b> |
|--|---|

|                         |   |  |  |                          |
|-------------------------|---|--|--|--------------------------|
| Full Name of Inventor 1 | Last Name<br><b>CHEE</b>                            | First Name<br>Mark                         | Middle Name or Initial                         |                          |
| Residence & Citizenship | City<br><b>Palo Alto</b>                            | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>Australia</b>     |                          |
| Post Office Address     | Post Office Address<br><b>3199 Waverly Street</b>   | City<br><b>Palo Alto</b>                   | State/Country<br><b>CA</b>                     | Zip Code<br><b>94306</b> |
| Full Name of Inventor 2 | Last Name<br><b>BERNO</b>                           | First Name<br><b>Anthony</b>               | Middle Name or Initial                         |                          |
| Residence & Citizenship | City<br><b>San Jose</b>                             | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>Canada</b>        |                          |
| Post Office Address     | Post Office Address<br><b>570 South 12th street</b> | City<br><b>San Jose</b>                    | State/Country<br><b>CA</b>                     | Zip Code<br><b>95112</b> |
| Full Name of Inventor 3 | Last Name<br><b>YANG</b>                            | First Name<br><b>Robert</b>                | Middle Name or Initial                         |                          |
| Residence & Citizenship | City<br><b>San Ramon</b>                            | State/Foreign Country<br><b>California</b> | Country of Citizenship<br><b>United States</b> |                          |
| Post Office Address     | Post Office Address<br><b>317 Winged Terrace</b>    | City<br><b>San Ramon</b>                   | State/Country<br><b>CA</b>                     | Zip Code<br><b>94583</b> |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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|---|---|---|
| Signature of Inventor 1<br><i>Mark Chee</i><br><b>Mark Chee</b> | Signature of Inventor 2<br><b>Anthony Berno</b> | Signature of Inventor 3<br><b>Robert Yang</b> |
| Date <i>9/30/97</i>   | Date  | Date  |

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**Prior Foreign Application(s)**

| Country | Application No. | Date of Filing | Priority Claimed<br>Under 35 USC 119 |
|---------|-----------------|----------------|--------------------------------------|
|         |                 |                | Yes _ No _                           |
|         |                 |                | Yes _ No _                           |

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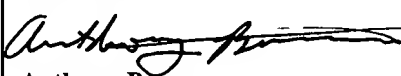
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|                         |  |                         |
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| Signature of Inventor 1 | Signature of Inventor 2  | Signature of Inventor 3 |
| Mark Chee               | <br>Anthony Berno | Robert Yang             |
| Date                    | Date 9/23/97   | Date                    |

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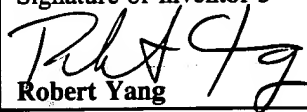
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| Mark Chee               | Anthony Berno           | <br>Robert Yang |
| Date                    | Date                    | Date 9/27/97   |

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